

PATENT
Serial No. 10/527,119
Amendment in Reply to Office Action of September 12, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed September 12, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, the Examiner indicated that claims 9 and 18 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 9 and 18 contain allowable subject matter. By means of the present amendment, claims 9 and 18 have been rewritten in independent form without including features of the base claims that are believed to be not necessary for patentability. Accordingly, it is respectfully submitted that independent claims 9 and 18 are allowable, and allowance thereof is respectfully requested.

In the Office Action, claims 1-3, 5-6 and 11-17 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,886,489 (Rowan). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rowan. It is respectfully

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submitted that claims 1-6 and 11-17 are patentable over Rowan for at least the following reasons.

Rowan is directed to an apparatus for reducing spindle power where the commutation angle is changed until the minimum spindle power consumption is identified. As shown in FIG 1 and recited on column 3, lines 44-53, baseline index marks 22 are provided on the Rowan disk 4, as well as a series of timing marks 24. As correctly noted by the Examiner on page 3, last paragraph of the first box on the right, Rowan does not teach or suggest marks that are notches or located at a lateral edge of the disk.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 12-13, amongst other patentable elements requires (illustrative emphasis provided):

the marks being at least one of located at a lateral edge of the carrier, and notches.

Accordingly, it is respectfully submitted that independent claims 1 and 12-13 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 11 and 14-17 should also be allowed at least based on their dependence from amended independent claims 1 and 13.

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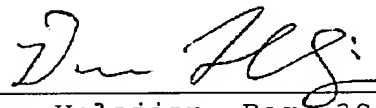
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for two additional independent claims to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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November 28, 2006

Enclosure: Authorization to charge credit card \$400 for two independent claims in excess of three (five total)

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